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# Advocate of Peace.

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## The Pious Fund Award.

The arbitrators chosen from the Hague Court to settle the Pious Fund controversy have made quick work of the case, as it was expected they would. The arguments were finished on the first day of October, and two weeks later, on the fourteenth, the arbitrators announced their award. The decision was unanimous, and in favor of the United States.

The amount which Mexico will pay under the award is \$1,420,682.67. This is interest at six per cent. since 1869 on the fund which Mexico has had in her possession, contributed originally in Spain, for the benefit of the Catholics of California, but on which she has declined to pay interest since that time. The award further stipulates that the government of Mexico shall hereafter pay annually to the government of the United States for the California Catholics the interest sum of \$43,030.99 in Mexican currency. This decision, then, disposes of the case finally.

The arbitrators, as we have before pointed out, were all men of the highest ability and character, and of large judicial experience. They were Sir Edward Fry of England, former chief justice of the Court of Appeals, F. de Martens, the distinguished Russian jurist and international arbitrator, Chief Justice Guar-

naschelli of the Court of Cassation at Rome, Dr. Lohman, an eminent Dutch jurist, and Dr. Matzen, president of the Danish parliament, who was chosen by these as the fifth member and president of the Court.

The fact that these five men all agreed in judgment on the case is noteworthy, and makes it clear that the settlement was probably as nearly on the basis of exact justice as possible. Though we had, from a careful study of the case, never seen how there could possibly be any other award than that which has been rendered, we could have wished that right might have been found on the other side, as Mexico is not a rich country. She is prosperous, however, and will not find it difficult to pay this sum each year.

The case has been generally considered to be one of relatively small importance. But when it is noted that the annual sum decreed to be paid by Mexico is to be given in perpetuity, and that the amount will be about one million dollars every twenty-five years, the significance of it really seems to have been much underestimated. From this point of view the settlement is one of very great importance in its bearings on the sacredness and permanence of international justice, and will do much to give the world a proper idea of the majesty of the World Court. It would have been difficult after all to find a case better suited to inaugurate the great tribunal.

The case for the United States seems to have been most ably and thoroughly presented to the Court by the agent, Mr. Ralston of Washington, aided by Senator Stewart, Judge Penfield of the State Department, Mr. McEnerney of San Francisco and Senator Descamps of Belgium. They supported their case with various documents showing that the Pious Fund had been recognized by all the authorities of Mexico as belonging to the California Catholics. They also took the ground of *res judicata*, that is, that the case had really been determined in 1868-69 by the arbitration of Sir Edward Thornton, to whom the case was referred by the joint Mexican claims commission.

Mr. Pardo, the agent for Mexico, was aided by Mr. de la Croix and by Mr. Baerneert, one of the most distinguished jurists of Belgium. They presented no documents and rested their case on the general theory that the Pious Fund was established for the political conquest of California, that the right of disposing of the fund belonged to the Spanish government and afterwards to that of Mexico, and never to the Roman Catholic Church as such, and that, as Mexican law prohibits religious associations

from acquiring property, the Catholics of California lost all rights in the fund at the time of the separation of the territory from Mexico.

The Court sustained the American claim of *res judicata*, and gave the case unanimously to the United States, except that Mexico was awarded the right to make her payments in Mexican currency, which at present is silver.

The settlement of this first case by the Hague Court has greatly strengthened general confidence in arbitration, especially among public men in some parts of Europe who have heretofore had no great respect for it, and have believed that the Hague Court would come to nothing. It has also given the Court a standing which assures its use hereafter.

Some skepticism has been expressed, since the decision, both in leading journals and by prominent men, about the willingness of powers even now to refer really important disputes to the tribunal. This skepticism, we think, has no genuine ground to stand on. Several times in the last fifty years have nations referred cases of the greatest import and delicacy to *temporary* courts of arbitration. Why should it be thought that they will not refer such to a *permanent* tribunal of the high character of that which they have set up for themselves at The Hague, and that, too, after arbitration has won a prestige which it did not have when some of these great disputes of the past were arbitrated? Such cases will not of course be as readily referred as minor cases, but if any such should arise which really threaten war, they will be sent to the Court, we think, with almost absolute certainty, rather than be permitted to issue in a conflict of arms, deadly and ruinous as one would be under present conditions. The very existence of the Court will likewise make the foreign offices much more inclined to find a diplomatic adjustment of disputes, and thus to prevent serious cases from ever arising.

On the whole, we prefer to believe in the Court and its future efficiency in even the most trying cases, rather than to join the doubters and skeptics, at least until they give us more rational grounds for their distrust.

## The Growth of International Conscience.

Secretary Hay's note to the powers signatory of the Berlin treaty, calling their attention to the inhumanity of the treatment of the Jews in Roumania, the injustice done to the United States through the coming thence of pauper Jewish immigrants, and to the neglect by the powers of their own treaty obligations in the matter, has much more than an immediate interest. It is, in form at least, a new note in international affairs. It is a most signal proof of the growing force and commanding position of conscience, of the sense of right, in the relations of nations to one another.

The evidences of this world-conscience have been frequently seen in recent years, as in the case of both the South African and the Philippine wars, and in the Chinese troubles. But the expressions of its demands, though often large and weighty, have for the most part been only the utterances of individuals or groups of individuals in their private capacity. But in this case we have the international conscience putting forth its behests through the mouth of a great and powerful government, and doing this with no thought or even power of supporting its appeal for justice and humanity by any use or show of military force. It is this fact which gives the event its peculiar significance, and this fact also which will in time make the appeal more effective than many imagine — far more effective, in our judgment, than if it had been accompanied by threat of violence, which so often works much more evil than it cures.

The United States is not one of the powers which signed the Berlin treaty, a clause of which provided for the setting up of Roumania as an independent state under the guarantee of Great Britain, Germany, France, Italy, Austria, and Russia. Our country could, therefore, speak only on the high ground of humanity and international as well as private right. The Berlin treaty stipulated that religious creeds and confessions should not be a ground for exclusion from civil or political rights, public employments, functions and honors, or any profession or industry in Roumania. In spite of these stipulations, special decrees were enacted by the Roumanian government which practically disqualified the Jews in nearly every direction, leaving open to them only petty trades and manual labor in a few cities. Even in these they were under great disabilities because of the intense race hatred to which they were subject.

The result of their ill treatment has been to reduce them to great poverty and consequent deterioration. Many of them have sought relief in emigration to this country. They have arrived here, in not a few cases, in such destitute circumstances and incapacity for immediate self-support as to make them objects of charity and a public burden.

Secretary Hay's appeal to Roumania and the six signatory powers for justice to these outcast and suffering people was in every way justified. It was a righteous and brave proceeding, from whatever point of view considered. Coming from Mr. Hay, who has already spoken for international right more than once in most trying circumstances, everybody knows that it was not dictated by any spirit of jingoism, imperialism, meddlesomeness or national conceitedness.

The Secretary expostulates with the six powers for failing to insist on the fulfillment by the Roumanian government of the engagements solemnly entered into when the country was made independent